

EXHIBIT E

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Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 MARCUS WHITFIELD,)

17 Defendant.)

No. CR 07-0366 VRW

**DECLARATION OF PROBATION
OFFICER STEVE FITZPATRICK
IN SUPPORT OF THE UNITED
STATES' OPPOSITION TO
DEFENDANT'S MOTION TO SUPPRESS
PHYSICAL EVIDENCE**

Hearing: August 28, 2007
Time: 10:30 a.m.
Court: Hon. Vaughn R. Walker

21 I, Steve Fitzpatrick, do hereby declare:

- 22 1. I have been employed by the San Francisco County Adult Probation Department as a
23 Probation Officer for 25 years.
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25 2. I am Marcus Whitfield's Probation Officer.
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27 3. On March 28, 2006, Marcus Whitfield was arrested by the San Francisco Police
28 Department for Possession of Cocaine for Sale, in violation of California Health and

1 Safety Code, Section 11351, and Possession of Concentrated Cannabis, in violation of
2 California Health and Safety Code, Section 11357 (a).

3 4. When Marcus Whitfield was arrested on March 28, 2006, he was 21 years old.

4 5. On June 1, 2006, in the San Francisco County Superior Court, Marcus Whitfield pled
5 guilty to Possession of a Controlled Substance for Sale or Purchase, a felony under
6 Section 11351 of the California Health and Safety Code.

7 6. On June 22, 2006, in the San Francisco County Superior Court, Judge Mitchell sentenced
8 Marcus Whitfield to 3 years Probation. As a condition of probation, the defendant was
9 ordered to serve a term in County Jail for 82 days. Whitfield received 82 days credit for
10 time served. As part of Whitfield's sentence the Judge ordered a warrantless search
11 provision, which stated, "Defendant is subject to a warrantless search condition, as to
12 defendant's person, property, premises and vehicle, any time of the day or night, with or
13 without probable cause, by any peace, parole or probation officer."
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15 7. On June 22, 2006, the same day he was sentenced by Judge Mitchell, Marcus Whitfield
16 told Investigating Probation Officer, Kari Segali, that his home residence is 1855
17 Sunnydale Avenue, San Francisco, CA.

18 8. It is required that all individuals on Adult Felony Probation report a change of home
19 residence to the Probation Department in person or via telephone, fax or email. Mr.
20 Whitfield never reported a change of address in person or via telephone, fax or email.

21 9. Since Mr. Whitfield's date of conviction on June 22, 2006, I have met with him in my
22 office and have talked to him over the telephone on numerous occasions.

23 10. On November 9, 2006, I met with Mr. Whitfield in my office located at 850 Bryant
24 Street, San Francisco, CA 94103. On this day, Mr. Whitfield told me his home address
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1 the Probation Department. The following is a list of scheduled appointments where Mr.
2 Whitfield failed to appear in my office:

3 December 13, 2006

4 January 22, 2007

5 January 23, 2007

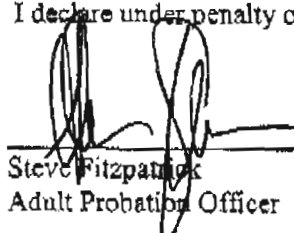
6 January 29, 2007

7 March 7, 2007

8 April 10, 2007

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11 16. Since June 22, 2006 to the present, Marcus Whitfield has never reported a change of
12 home residence to the Adult Probation Department. The only home address that has ever
13 been on file with the Probation Department for Marcus Whitfield has been 1855
14 Sunnydale Avenue, San Francisco, CA.
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18 I declare under penalty of perjury that the foregoing is true and correct.
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21 
22 Steve Fitzpatrick
23 Adult Probation Officer
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DATE: 08/06/07